

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7950
OFFERED BY MR. SELF OF TEXAS

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “VA Congressional Ac-
3 countability Act”.

4 **SEC. 2. OFFICE OF CONGRESSIONAL AND LEGISLATIVE AF-**
5 **FAIRS IN THE DEPARTMENT OF VETERANS**
6 **AFFAIRS.**

7 (a) OFFICE OF CONGRESSIONAL AND LEGISLATIVE
8 AFFAIRS.—Chapter 3 of title 38, United States Code, is
9 amended by adding at the end the following new section:
10 **“§ 326. Office of Congressional and Legislative Affairs**

11 “(a) ESTABLISHMENT.—There is established within
12 the Department an Office of Congressional and Legislative
13 Affairs (referred to in this section as the ‘Office’), which
14 shall serve as the principal liaison between the Depart-
15 ment and Congress.

16 “(b) FUNCTIONS.—The Office shall—

17 “(1) coordinate communications and legislative
18 engagement with Congress;

1 “(2) facilitate hearings, briefings, and technical
2 assistance;

3 “(3) coordinate the preparation and submission
4 of testimony and witness materials for congressional
5 hearings, including written statements, oral testi-
6 mony, and responses for the record;

7 “(4) manage and track congressional requests
8 for information;

9 “(5) support the development and analysis of
10 legislative proposals; and

11 “(6) ensure timely and accurate responses to
12 requests from the Committee on Veterans’ Affairs of
13 the House of Representatives or the Senate (in this
14 section, referred to as a ‘Committee’).

15 “(c) LEADERSHIP.—(1) There is at the head of the
16 Office an Assistant Secretary appointed by the President,
17 by and with the advice and consent of the Senate, who
18 shall ensure that the functions of legislative strategy and
19 congressional operations are exercised independently, con-
20 currently, and in mutual restraint, and who shall be re-
21 sponsible for resolving impasses between the Deputy As-
22 sistant Secretaries.

23 “(2) The Deputy Assistant Secretary for Legislative
24 Strategy, a noncareer appointee (as defined in section
25 3132(a) of title 5), shall be responsible for the formulation

1 and articulation of each legislative position and policy
2 communication conveyed to Congress, but may not direct
3 or control the timing, production, or transmission of con-
4 gressional materials.

5 “(3) The Deputy Assistant Secretary for Congres-
6 sional Operations, a career appointee (as defined in sec-
7 tion 3132(a) of title 5) in the Senior Executive Service,
8 shall be responsible for coordination, production, and
9 transmission of congressional materials, but may not alter,
10 delay, or substitute any legislative position established by
11 the Deputy Assistant Secretary for Legislative Strategy.

12 “(d) POSITION DESIGNATIONS.—(1) The Assistant
13 Secretary, the Deputy Assistant Secretary for Legislative
14 Strategy, and any supervisory policy official, who shall be
15 accountable for the substance, consistency, and attribution
16 of each legislative position communicated to Congress,
17 shall be a noncareer appointee (as defined in section
18 3132(a) of title 5).

19 “(2) Any analyst, liaison, records manager, member
20 of production staff, technical specialist, and administrative
21 support personnel shall be a career employee in the com-
22 petitive service.

23 “(e) STAFFING COMPOSITION.—(1) Not fewer than
24 65 percent of the employees occupying full-time equivalent

1 positions of the Office shall be career employees in the
2 competitive service.

3 “(2) A political appointee may perform policy and
4 strategy functions but shall not replace a core operational
5 career role.

6 “(3) In this subsection, ‘political appointee’ means an
7 individual who is—

8 “(A) a noncareer appointee in the Senior Exec-
9 utive Service, as defined under section 3132(a) of
10 title 5; or

11 “(B) employed in a position of a confidential or
12 policy-determining character under schedule C of
13 subpart C of part 213 of title 5, Code of Federal
14 Regulations, or successor regulation.

15 “(f) PROCEDURES.—The Assistant Secretary shall
16 maintain procedures for the following:

17 “(1) Ensuring prompt acknowledgment of con-
18 gressional requests, coordinated and complete re-
19 sponses, availability of subject-matter experts for
20 briefings, and internal tracking of outstanding in-
21 quiries.

22 “(2) Documenting the source of each legislative
23 position and the timing of each congressional pro-
24 duction, such that responsibility for substance and

1 responsibility for timeliness are separately identifi-
2 able.

3 “(g) SUPERVISION.—The Office shall operate under
4 the supervision of the Assistant Secretary. In supervising
5 the Office, the Assistant Secretary shall receive parallel
6 reports from each Deputy Assistant Secretary concerning
7 the performance of the Office, including instances in which
8 action or inaction of the other Deputy Assistant Secretary
9 affected accuracy, consistency, or timeliness of engage-
10 ment with Congress.

11 “(h) CONGRESSIONAL INFORMATION ACCESS AND
12 TIMELINES.—(1) Upon receipt of a written or electronic
13 request for information from the Chair and Ranking Mem-
14 ber of a Committee, the Assistant Secretary shall—

15 “(A) send to the requesting Committee an ac-
16 knowledgment of the request not later than two
17 business days after receipt of such request;

18 “(B) provide to the requesting Committee a
19 production plan and estimated date of the delivery
20 of the requested material not later than five business
21 days after receipt of such request; and

22 “(C) produce all requested records and mate-
23 rials not later than 45 days after receipt.

24 “(2) If the Secretary certifies that the scope or com-
25 plexity of the request prevents full production not later

1 than 45 days after the receipt of such request, the Assist-
2 ant Secretary shall—

3 “(A) provide a partial response to the request
4 not later than 45 days after receipt; and

5 “(B) produce a complete response to the re-
6 quest not later than 60 days after receipt.

7 “(3) Information shall be provided in the form re-
8 quested by a Committee, including underlying records,
9 datasets, methodologies, contracts, and communications,
10 and may not be limited to summaries or briefing materials
11 in lieu of original source documents unless authorized by
12 the requesting Committee.

13 “(4) No official or employee of the Department
14 may—

15 “(A) withhold, screen, or alter responsive infor-
16 mation;

17 “(B) delay or condition production on initial
18 clearance or political review;

19 “(C) require a nondisclosure agreement unless
20 required by law;

21 “(D) substitute summaries for requested
22 records; or

23 “(E) otherwise impede or interfere with direct
24 transmission of information to a Committee.

1 “(5) If the Secretary determines that any information
2 requested by Congress is classified, the Secretary shall
3 make arrangements to present such information to the
4 Chair of the requesting Committee using appropriate secu-
5 rity measures.

6 “(i) REQUEST LOG.—The Assistant Secretary shall
7 maintain a log of each request for information by a Com-
8 mittee under subsection (h), including—

9 “(1) the date on which the request was re-
10 ceived;

11 “(2) the date on which the request was ac-
12 knowledged under subsection (h)(1)(A);

13 “(3) the date on which the production plan was
14 provided under subsection (h)(1)(B);

15 “(4) the dates of each interim and final produc-
16 tion; and

17 “(5) for any instance in which the required
18 timeline for response to a congressional request
19 under subsection (h) was not met, a description of
20 the reason for the delay.

21 “(j) NONCOMPLIANCE.—(1) If the Secretary fails to
22 substantially comply with subsection (h), the Secretary
23 shall—

24 “(A) not later than 7 days after the date on
25 which the Secretary is not in substantial compliance

1 and every 14 days thereafter until the day on which
2 the Secretary complies, submit to the requesting
3 committee a written status update that—

4 “(i) identifies the records or materials not
5 yet produced;

6 “(ii) describes the specific reasons for the
7 delay;

8 “(iii) identifies the Administration, office,
9 and the head of the office responsible for the
10 delay; and

11 “(iv) provides a date certain by which the
12 remaining records and materials will be pro-
13 duced;

14 “(B) include in each such status update a cer-
15 tification, signed by the Assistant Secretary and
16 General Counsel of the Department (or their des-
17 ignees), stating whether any requested records or
18 materials have been withheld, redacted, delayed, or
19 referred for additional review, and identifying the
20 justification for each such action; and

21 “(C) make available, upon request of the re-
22 questing Committee, the Assistant Secretary and ap-
23 propriate subject-matter officials for a briefing re-
24 garding the status of compliance with such request.

1 “(2) Amounts available for the expenses and hiring
2 of new employees of the Office may not be obligated or
3 expended during the period beginning on the day that is
4 90 days after the day on which the Secretary is not in
5 substantial compliance with subsection (h) and ending on
6 the day on which the Secretary complies, except for activi-
7 ties necessary to achieve compliance.

8 “(3) Upon return to substantial compliance with sub-
9 section (h), the Secretary shall submit to the requesting
10 Committee a written certification of completion that—

11 “(A) identifies each record or material produced
12 in response to the request;

13 “(B) identifies any record or material withheld
14 in whole or in part; and

15 “(C) states the justification for any such with-
16 holding.”.

17 (b) REPORT.—Not later than two years after the date
18 of the enactment of this section, the Comptroller General
19 shall submit to the Committees on Veterans’ Affairs of
20 the House of Representatives and the Senate a report
21 evaluating the implementation of this section.

22 (c) CLERICAL AMENDMENTS.—

23 (1) NUMBER OF DEPUTY ASSISTANT SECRE-
24 TARIES.—Section 308(d)(1) of such title is amended
25 by striking “19” and inserting “21”.

1 (2) TABLE OF CONTENTS.—The table of con-
2 tents for such chapter is amended by adding at the
3 end the following new item:

“326. Office of Congressional and Legislative Affairs.”.

